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FILED  
SAN MATEO COUNTY

APR 02 2019

*[Signature]*  
Clerk of the Superior Court  
B  
DEPUTY CLERK

9 Attorneys for Defendants  
10 Facebook, Inc., Mark Zuckerberg, Christopher Cox, Javier  
11 Olivan, Samuel Lessin, Michael Vernal, and Ilya Sukhar

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF SAN MATEO

14 SIX4THREE, LLC, a Delaware limited liability  
15 company,

16 Plaintiff,

17 v.

18 FACEBOOK, INC., a Delaware corporation;  
19 MARK ZUCKERBERG, an individual;  
20 CHRISTOPHER COX, an individual;  
JAVIER OLIVAN, an individual;  
SAMUEL LESSIN, an individual;  
MICHAEL VERNAL, an individual;  
ILYA SUKHAR, an individual; and  
DOES 1-50, inclusive,

21 Defendants.

22 Case No. CIV 533328

23 Assigned for all purposes to Hon. V. Raymond  
24 Swope, Dept. 23

25 **[REDACTED] ORDER RE: INDIVIDUAL  
26 DEFENDANTS' MOTION FOR  
27 ATTORNEYS' FEES AND COSTS  
28 PURSUANT TO CCP SECTION 425.16(c)**

Date: March 15, 2019  
Time: 10:00 a.m.  
Dept: 23 (Complex Civil Litigation)  
Judge: Honorable V. Raymond Swope

FILING DATE: April 10, 2015  
TRIAL DATE: April 25, 2019

29 CIV533328  
30 ORD  
31 Order  
32 1740119



On September 14, 2018, Defendants Mark Zuckerberg, Christopher Cox, Javier Olivan, Samuel Lessin, Michael Vernal, and Ilya Sukhar (the “Individual Defendants”) filed their Motion for Attorneys’ Fees and Costs Pursuant to California Code of Civil Procedure Section 425.16(c) (“Motion”). On March 15, 2019, the matter came before the Honorable Raymond V. Swope for hearing in Department 23, Courtroom 8A. Having read and considered the respective motions, the memoranda, declarations, and supporting papers, the Court finds as follows.

Attorneys' fees awarded to a defendant prevailing on an Anti-SLAPP motion must be just but reasonable. Factors to be considered in the determination of fees include the nature of the litigation, its complexity, the amount at stake, and the attorneys' skill employed in handling the litigation. *See, e.g., Maughan v. Google Tech., Inc.* (2006), 143 Cal. App. 4th 1242, 1264. Here, the Court has given attention to the success of the attorneys' efforts, their experience in the particular type of work involved, the intricacies and importance of this litigation, and the necessity for skilled legal training.

In the present case, the Court finds that this case is a case of significant complexity, which has been rigorously litigated. The Court finds that the case could not have been competently presented without the full participation of the Individual Defendants' several legal counsel. Furthermore, the Court has significant experience with attorney billing rates in the San Francisco Bay Area and San Mateo in particular. The Court finds that billing rates of \$620/hour for a senior, principal attorney and between \$410/hour and \$475/hour for associates are modest and within the ballpark in the legal community. The Court therefore adopts its tentative ruling as the order of the Court.

IT IS HEREBY ORDERED:

The Individual Defendants' Motion for Attorneys' Fees and Costs Pursuant to California Code of Civil Procedure Section 425.16(c), filed on September 14, 2018, is GRANTED in the amount of \$77,649.10 against Plaintiff SIX4THREE, LLC. (Code Civ. Proc. §425.16, subd. (c)(1).)

Defendants' requested fees are exorbitant and are reduced to \$77,649.10 as follows:

- 1) Time Spent on the anti-SLAPP-Motion: \$24,426.60 for 55.8 hours, which is a 40% reduction from the requested \$40,711.00 for 93 hours;
- 2) Time spent on Reply ISO anti-SLAPP: \$12,319.00 for 28 hours, which is 100% of the requested amount;

1           3)    Time Spent on Motion Practice Arising from Six4Three's Opposition to Anti-SLAPP:  
2           \$14,671.00 for 33 hours, which is 100% of the requested amount; (see *Jackson v. Yarbray*  
3           (2009) 179 Cal.App.4th 75, 92–93);  
4           4)    Time Spent for Preparing for and Attending Hearings: \$19,036.20 for 38.4 hours, which is  
5           a 40% reduction from the requested \$31,727.00 for 64 hours;  
6           5)    Time Spent on Fees Motion: \$5,557.30 for 11.4 hours, which is a 90% reduction from the  
7           requested \$55,573.00 for 114 hours; and  
8           6)    Costs: \$1,639.00, which is unopposed.

9           The Court finds that \$77,649.10 are reasonable pursuant to Code of Civil Procedure section  
10          425.16, subdivision (c)(1).

11          To the extent Six4Three argues deferring a decision based on the “unique issues” in the pending  
12          appeal, Six4Three does not cite to any legal authority supporting that proposition. (Opp. to Def. Fees,  
13          filed Nov. 26, 2018, p. 9:16-26. *See Do It Urself Moving & Storage, Inc. v. Brown, Leifer, Slatkin &*  
14          *Berns* (1992) 7 Cal.App.4th 27, 35, superseded by statute on other grounds in *Union Bank v. Sup. Ct.*  
15          (1995) 31 Cal.App.4th 573, 583 (“A point which is merely suggested by a party's counsel, with no  
16          supporting argument or authority, is deemed to be without foundation and requires no discussion”)).

17          Six4Three's Request for Judicial Notice, filed on November 26, 2018, is GRANTED as to Exhibit  
18          Nos. 1–12, but not for the truth of the matters asserted therein.

19          **IT IS SO ORDERED.**

20          Dated: April 2 . 2019



21          Honorable V. Raymond Swope  
22          Judge of the Superior Court of California